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DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed 12/05/08 has been entered. Claims 1, 19, 25, 44, 46, 48-49 have been amended. No claims have been cancelled. Claim 50 has been added. Claims 1-45 are still pending in this application, with claims 1, 20, 25, and 44 being independent.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 44 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 44 recites "A computer program product..." cover nonstatutory subject matter, i.e. software per se. Claim 50 is rejected because it depends on claim 44.

Claim Rejections - 35 USC § 103

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4. Claims 1-2, 6, 12, 15, 18-19, 20-21, 25-27, 44, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tamagawa et al. (US Patent 5,657,382) in view of Barabash et al. (US Patent 6,101,378).

As to claims 1 and 48, Tamagawa teaches a method comprising: forwarding a call from a calling party (col. 4, line 27) to a destination (col. 4, lines 38-42 - *terminal 7A*) defined by a call forwarding party (col. 4, lines 34-38 - *terminal 6A*); establishing content of a notification about the forwarded call (col. 2, line 65 through col. 3, line 5); during the forwarding a call, sending, with a processor, the notification to a terminal of the call forwarding party (col. 5, lines 1-7); sending the notification by a service of a communication network to a terminal of the call forwarding party (see abstract - *first terminal*; col. 3, lines 5-12).

Tamagawa does not teach sending notification to a terminal of the call forwarding party when a predefined break-off condition is fulfilled; and sending a message to the terminal of the call forwarding party indicating whether to accept or refuse a continuation of the forwarding.

Barabash teaches the notification is sent when the predefined break-off condition (col.1, lines 42-59) is fulfilled, after which the method further comprises the step of accepting or refuse a continuation of the forwarded call (col. 5, lines 30-55 - *where Barabash discussed if the predefined balance becomes insufficient for additional air time or toll charges or the balance does not exceed the initial cost of the proposed call,*

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sending an announcement notifies indicating the call cannot be completed and/or terminate the call or refuses a continuation to complete the call).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Barabash into the teachings of Tamagawa thus making the system more efficient by allowing the user or subscriber to control of the enabling and disabling the call forwarding in order to better handling the incoming calls based on his or her schedule.

As to claims 2 and 21, Tamagawa et al. teaches the content comprises information about at least one of a calling party number (col. 5, lines 8-13), a call duration, a time of forwarding, a call charge and a number to which the call has been forwarded (col. 3, lines 2-5).

As to claim 6, Tamagawa does not teach sending of the notification is performed by utilizing a packet data bearer. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate intelligent and packet network into the teachings of Tamagawa in order to have a more efficient system with a wide variety of networks environment.

As to claim 12, Tamagawa et al. teaches the content includes at least part of the conditions that have resulted in the call forwarding (col. 2, line 65 through col. 3, line 2; col. 4, lines 27-38).

As to claim 15, Barabash teaches the breaking-off condition is one of a maximal call charge and maximal call duration (col. 1, lines 50-59; col. 5, lines 41-55).

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As to claim 18, Tamagawa teaches the forwarded call is cleared if there is no answered within a specified time (col. 10, lines 37-57).

As to claims 19 and 27, Barabash teaches the announcement notifies caller that the call is refused or cannot be completed and sends a command to terminate the call (col. 5, lines 49-55). It would have been obvious to one of ordinary skill in the art to modify Barabash to prior to refuse a continuation of the forwarded call, prompt the call forwarding party for an input by the user in order to have a more user friendly system.

As to claims 20 and 47, Tamagawa et al. teaches determining a calling party number (col. 5, lines 8-13); a device for measuring a call duration of a forwarding call (col. 4, lines 2-5; col. 5, lines 8-13; col. 6, lines 33-38 - *where Tamagawa discussed transferring call transfer information, hence it would have been obvious that a call duration of a forwarding call is one of the call transfer information*); and include in the notification at least a type of forwarding (col. 5, lines 6-13).

Claims 25 and 46 are rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Tamagawa teaches a processor (col. 6, lines 44-53) for performing the steps of the claim.

As to claim 26, Tamagawa et al. teaches the processor for processing data corresponding to the content of the notification (see abstract).

Claim 44 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Tamagawa et al. teaches a computer program product comprises

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a computer readable storage medium having computer readable program codes to perform the steps of claim 44 (col. 6, lines 44-53).

5. Claims 7 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tamagawa and Barabash and further in view of Pepper et al. (U.S. Patent 5,930,700).

As to claims 7 and 22, Tamagawa and Barabash do not teach the type notification comprises speech transmission of a voice processing server.

Pepper et al. teaches notifying / alerting the subscriber (col. 12, lines 35-41) via the subscriber's PCS connected to a wireless communications network such as Short Message service Unstructured Supplementary Service Data, voice processing server, and within a mobile network and Wireless Telephony Applications server (col. 8, lines 35-52; col. 1, line 65 through col. 2, line 61; col. 2, lines 42-46 - *where Pepper discussed the PDA (communicates with the GUI to alert the subscriber- col. 6, lines 1-5) connected to a wireless communications network which provides voice and other types of communication, i.e. short message*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Pepper into the teachings of Tamagawa and Barabash thus making the system more efficient and diverse by notifying the subscriber via different types of communications such as e-mail, facsimile, Short Message Service, etc.

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6. Claims 16 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tamagawa and Barabash and further in view of Brennan et al. (U.S. Patent 5,329,578).

As to claim 16, Tamagawa and Barabash do not teach the breaking-off condition depending on the calling party number including the possibility that no break-off condition exist for some certain calling party numbers.

Brennan teaches depending on the calling party number to provide special call treatment or not. For example, calls are forwarded to message system, operator, or subscriber for receiving special treatment (col. 2, lines 17-21 and lines 45-49; col. 4, line 68 through col. 5, line 37; col. 12, lines 15-21).

Selective call forwarding is an old and well-known telephony feature, and the advantage of using it is also well known. For example, the user / subscriber forward all incoming calls except for important calls from his or her boss, spouse, or emergency calls and do not break-off if important call is being forwarded.

Claim 49 is rejected for the same reasons as discussed above with respect to claims 48 and 16.

Response to Arguments

7. Applicant's arguments with respect to claims 1-2, 6-7, 12, 15-16, 18-22, 25-27, 44, and 46-49 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 272-573-8300.

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/Quynh H Nguyen/

Primary Examiner, Art Unit 2614